

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

LEROY CRAWFORD

PLAINTIFF

v.

Civil No. 06-2003

SGT. TERRY REA;
NURSE CHARLES WALLS;
AND LT. CUPP

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Leroy Crawford filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 on January 9, 2006. His complaint was filed in forma pauperis (IFP).

On July 31, 2006, defendants filed a summary judgment motion (Doc. 21). On December 6, 2006, an order was entered (Doc. 24) directing Crawford to complete, sign and return an attached questionnaire that would serve as his response to the summary judgment motion.

The plaintiff's response to the questionnaire was to be returned by January 8, 2007. To date, the plaintiff has failed to respond to the questionnaire. The court's order and attached questionnaire have not been returned as undeliverable. The order was mailed to the same address as the court's prior orders. Plaintiff has not informed the court of any change in his address.

I therefore recommend Crawford's claims be dismissed on the grounds he has failed to prosecute this action and comply with the order of the court. *See* Fed. R. Civ. P. 41(b). **The parties have ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections**

may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 23rd day of January 2007.

/s/ *J. Marschewski*
HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE